

02
04.11.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 15472 of 2022

**Dipak Kumar Das
-versus
The State of West Bengal & Ors.**

**Mr. Bhabani Prasad Mondal,
Mr. Sukanta Mondal,
Mr. Ram Prasad Sardar,
Mr. Kaustav Chatterjee.
...For the Petitioner.**

**Mr. Subhrangsu Panda,
Ms. Ina Bhattacharyya.
...For KMC.**

**Ms. Sudipa Roy,
Ms. Kakali Naskar.
...For the State.**

**Mr. Amitabha Roy
Ms. Indira Chatterjee
....For the respondent nos. 10 to 12**

In compliance of the direction passed by this Court on 5th September, 2022, a spot inspection was conducted to identify the cracks and damages which were to be repaired by the private respondents.

The engineers of the Corporation inspected the property on 28th September, 2022 and it was found that the hair cracks in the inside portion of the petitioner's premises have been renovated by the private respondent.

The Executive Engineer (Building) by a letter dated 4th August, 2022 directed the private respondent to repair the damaged portion of the adjacent building of the petitioner and till such time the repair is carried out, the construction work has been directed to remain suspended.

As it appears from the report of the engineers of the Corporation that the damaged portion of the petitioner's premises have been repaired, accordingly, the Corporation shall take a decision positively within a fortnight from the date of communication of a copy of this order as to whether the private respondent may resume the construction work.

In the event such permission is given, the private respondent shall ensure that further construction work does not cause any damage to the adjacent premises of the petitioner. If, however, any damage is caused in the course of the work of construction, then the private respondent shall take steps to repair the same immediately.

No further order is required to be passed in the present writ petition.

The writ petition stands disposed of.

The report filed by the engineers of the Corporation be taken on record.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)